

November 19, 1942, by De Luxe Dainties, Inc., from New York, N. Y., and charging that it was misbranded.

A portion of the article was alleged to be misbranded in that its container was so made, formed, and filled as to be misleading, since in one of the lots an excessive amount of space was occupied by a false bottom, and in the remaining lots the paper packing occupied an excessive amount of the available space. Portions of the article were alleged to be misbranded further in that the name and place of business of the manufacturer, packer, or distributor, required by law to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On February 10, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

4898. Misbranding of Home Kist Cheer Kit (gift assortment). U. S. v. 69 Boxes of Home Kist Cheer Kit. Default decree of condemnation. Product ordered delivered to charitable institution. (F. D. C. No. 9061. Sample No. 11038-F.)

On December 23, 1942, the United States attorney for the Northern District of California filed a libel against 69 boxes of Home Kist Cheer Kit at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about November 12, 1942, by Butler Bros. from New York, N. Y.; and charging that it was misbranded.

The boxes in which this product was packed had false bottoms. The contents occupied 64 percent of the space above the false bottom, and without the false bottom would occupy approximately 50 percent of the available space.

The article was alleged to be misbranded (1) in that the statement "1 Lb. 10 Oz." was false and misleading as applied to an article that was short weight; (2) in that its container was so filled as to be misleading since more food could have been packed in the boxes; and (3) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On January 29, 1943, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution.

4899. Misbranding of gift boxes. U. S. v. 68 Boxes containing an assortment of Cookies, Pretzels, Nuts, Candy, Jelly, and Jam. Default decree entered ordering product delivered to a charitable institution. (F. D. C. No. 9093. Sample No. 7936-F.)

On December 31, 1942, the United States attorney for the District of Minnesota filed a libel against 68 boxes containing an assortment of food, alleging that the article had been shipped in interstate commerce on or about December 1, 1942, by R. L. Albert & Son, Inc., New York, N. Y.; and charging that it was misbranded. The article was labeled in part: (Jelly) "Grape Flavor Apple Jelly * * * Net 1½ Oz.," or (jam) "Pure Gooseberry Jam 2 Ozs. Net."

The article was alleged to be misbranded (1) in that the statements on the jar of jelly "Net 1½ Oz.," on the jar of jam "2 Ozs. Net," and on the box "Net 1 Lb. 5 Oz." were false and misleading as applied to articles that were short weight; (2) in that it was in package form and failed to bear a label containing an accurate statement of quantity of the contents; and (3) in that statement of the quantity of the contents, required by the act to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On March 12, 1943, no claimant having appeared, the product was ordered delivered to a charitable institution.

4900. Adulteration and misbranding of gift boxes. U. S. v. 468 Boxes containing an assortment of Crackers, Cookies, Pretzels, Nuts, Candy, and Jelly. Default decree of condemnation and destruction. (F. D. C. No. 9140. Sample No. 2689-F.)

On or about January 9, 1943, the United States attorney for the Western District of Missouri filed a libel against 468 boxes containing an assortment of food, alleging that the article had been shipped in interstate commerce on or about December 9 and 12, 1942, by R. L. Albert & Son, Inc., from New York, N. Y.; and charging that it was adulterated and misbranded.